

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
v.) Case No. 1:17-CR-223
RONALD A. CAPALLIA, JR.,)
Defendant.)

**GOVERNMENT'S AGREED MOTION TO CONTINUE
DEFENDANT CAPALLIA'S SENTENCING HEARING**

The United States, by and through undersigned counsel, and with the consent of counsel for defendant Ronald A. Capallia (“Capallia”), hereby submits this agreed motion to continue the sentencing hearing for defendant Capallia from September 14, 2018 to a date reasonably after the trial of his co-defendants in the related case *United States v. William S. Wilson et al.*, No. 1:17-CR-222. In support of this agreed motion, the government submits as follows:

1. Defendant Capallia pleaded guilty in the above-captioned case on January 25, 2018 to one count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, and one count of false claims, in violation of 18 U.S.C. § 287. On that same date, his sentencing hearing was set for September 14, 2018.

2. Meanwhile, three of the defendant's alleged co-conspirators had been contemporaneously charged by means of a separate indictment in the separate but related case of *United States v. William S. Wilson et al.*, No. 1:17-CR-222. Trial in that case was originally scheduled to begin before this Court on June 4, 2018, but that date has since been continued to October 9, 2018. The *Wilson et al.* trial is expected to last approximately two weeks.

3. Defendant Capallia's plea agreement contains a cooperation clause, and there is a

possibility that he may be called to testify as a witness in the *Wilson et al.* trial. Moreover, whether he testifies or not, the government, defense counsel, and this Court will all be in a better position to evaluate the nature and extent of the defendant's crimes, as well as the completeness and candor of any cooperation, after the *Wilson et al.* trial concludes.

4. Holding the defendant's sentencing hearing after the *Wilson et al.* trial, rather than approximately one month before (as the current schedule contemplates), would also serve the interests of judicial economy because it would permit the Court to hold only a single sentencing hearing for defendant Capallia, rather than a sentencing hearing followed by a later potential hearing on a motion under Federal Rule of Criminal Procedure 35(b), if such a motion is deemed appropriate.

5. For these reasons, the United States requests that the sentencing hearing for defendant Capallia be continued from September 14, 2018 to a date reasonably after the *Wilson et al.* trial concludes. Undersigned counsel has consulted with counsel for the defendant, who represents that the defendant agrees to the relief requested.

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

By: _____
Matthew Burke
Samantha P. Bateman
Assistant United States Attorneys
2100 Jamieson Ave.
Alexandria, VA 22314
(703) 299-3927
Matthew.Burke@usdoj.gov
Samantha.Bateman@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2018, I filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (“NEF”) to all counsel of record.

By: _____/s/_____
Samantha P. Bateman
Assistant United States Attorney
United States Attorney's Office
2100 Jamieson Ave
Alexandria, VA
Phone: 703-299-3700
Fax: 703-299-3981
Email: samantha.bateman@usdoj.gov